

## **REMARKS**

The Office Action of July 31, 2003 has been carefully studied. Applicants acknowledge the allowability of claims 1-9 and 15-20. Accordingly, Applicants courteously request rejoinder of the process claims which are based on the allowable catalyst claims. It is further noted that 4 claims are added and that the fee for the addition of such claims is attached herewith.

### ***Response To Detailed Action***

With respect to the objection to the disclosure because of the assertion that the abstract appears on the first page of Applicants' specification, it is courteously pointed out that this matter was attended to in the last filed Amendment of July 8, 2003. Note pages 2 and 10 of said amendment.

With respect to the objection to Applicants' format in the specification, Applicants respectfully point out that the format set forth in the MPEP is not mandatory. As for the title of Applicants' invention, it is seen that Applicants provide a new title "Hydrocracking Catalyst Having A Unique Silica-Alumina Substrate". The Examiner is thanked for the suggestion in numbered paragraph 3 on page 3 of the Office Action, but Applicants believe that the presently submitted title would be more meaningful to refining engineers and chemists. However, it is believed the Examiner has the authority to change the title when the case is allowed.

With respect to Applicants' response to the restriction requirement, Applicants respectfully reiterate that rejoinder is mandated under the procedure of MPEP § 821.04.

### ***Claim Objections***

It is appreciated that the MPEP also instructs the examining staff not to require an Applicant to substitute preferred stylistic claim language for clearly understandable claim language. Nevertheless, it is seen that in deference to the rejections "A" through "X", Applicants have complied with the Examiner's suggestions except for suggestions "R" and "X". Attention is courteously invited to page 21, first complete paragraph of the specification which makes it clear that sulfurization is an art-recognized term and is well known in the art. In contrast, it is not

known whether "sulfur treated" would be as meaningful to those of ordinary skill in the art. Consequently, the term "sulfurization treatment" is permitted to remain in the claims.

***Claim Rejection - 35 U.S.C. 112, Second Paragraph***

With respect to the objection to claim 1, line 2 because of the expression "at least one silica-alumina", it is to be noted that the proportion of silica in the silica-alumina can vary which means that a mixture of different silica-alumina materials can be used as the substrate so long as the mixture contains 10-60% by weight of silica. In addition, Applicants' claim 1 utilizes the expression "a substrate comprising" which means that as long as a competitor would utilize as part of a substrate, Applicants' unique silica-alumina substrate, the competitor would infringe claim 1. In contrast, claims 6 and 17 require that the substrate "consists of" silica-alumina which language is used in the context of this present invention for omitting any optional binder. Conversely, new claims 21 and 22 use broader language "consists essentially of" which is intended to permit the addition of any materials to the silica-alumina which do not significantly lessen the activity of the catalyst on the one hand or the selectivity of the catalyst for producing middle distillates, especially gas oils, on the other hand.

At this juncture, Applicants wish to make it clear that the broad invention as set forth in claim 1 is not limited in any whatsoever by the present amendment, and accordingly, should the resulting patent ever be involved in infringement litigation, Applicants would not be estopped from asserting the doctrine of equivalents.

In view of the above remarks, it appears that the application is in condition for allowance. However, if there are any remaining issues which can be expeditiously resolved by a telephone conference, the Examiner is courteously invited to telephone Counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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